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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-70649
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
FRANCISCO ACOSTA-ROJAS,)	
a/k/a Francisco Rojas-Acosta,)	
a/k/a Ruben Carrillo,)	
)	
Defendant.)	
_____)	

On November 5, 2007, the parties in this case appeared before the Court and stipulated that time from October 31, 2007 through November 19, 2007 should be excluded from Speedy Trial Act calculations because defense counsel will be out of town during the week of November 12 and needs adequate time to prepare for this case, including to meet with his client. Additionally, defense counsel will need adequate time to review discovery, which the government produced recently. The parties represented to the Court that the length of the requested continuance was

the reasonable amount of time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by this continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

DATED: November 9, 2007

/s/
TAREK J. HELOU
Assistant United States Attorney

DATED: November 9, 2007

/s/
RONALD TYLER
Attorney for Defendant Francisco Acosta-Rojas

As the Court found on November 5, 2007, and for the reasons stated above, the Court finds that the ends of justice served by the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds that time from October 31, 2007 through November 19, 2007 shall be excluded from Speedy Trial Act calculations for effective preparation of defense counsel. 18 U.S.C. §3161 (h)(8)(A). Failing to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: November 9, 2007

THE HONORABLE
United States District Judge Bernard Zimmerman

